

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STATE OF RHODE ISLAND, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.

Defendants.

C.A. No.:

DECLARATION OF CHRISTOPHER J. MCELGUNN,
DEPUTY SECRETARY, WISCONSIN DEPARTMENT OF VETERANS AFFAIRS

Pursuant to 28 U.S.C. § 1746, I, Christopher J. McElgunn, hereby declare as follows:

1. I am a resident of Wisconsin. I am over the age of 18 and have personal knowledge of all the facts stated herein, except as to those matters stated upon information and belief; as to those matters, I believe them to be true. If called as a witness, I could and would testify competently to the matters set forth below.

2. In January of 2023, I was appointed as the Deputy Secretary for the Wisconsin Department of Veterans Affairs (hereinafter, "the Department").

3. The Department operates the Wisconsin Veterans Museum, administering funds including federal and state funds for operations. The mission of the Wisconsin Veterans Museum is to acknowledge, commemorate, and affirm the role of Wisconsin veterans in the United States of America's military past and present.

4. As Deputy Secretary, I am responsible for overseeing the Department's Budget and Fiscal Bureau, Enterprise Services Administrator, and the Director of the Wisconsin Veterans

Museum, to include federal funds received by the Department for the Wisconsin Veterans Museum.

5. I submit this declaration in connection with Executive Order 14,238, “Continuing the Reduction of the Federal Bureaucracy,” which directed seven federal agencies, including the Institute for Museum and Library Services (“IMLS”), to eliminate any non-statutory components and functions to the maximum extent consistent with applicable law, and to reduce the performance of any statutory functions and associate personnel to the minimum presence and function required by law.

6. It is my understanding that in response to Executive Order 14,238, the current position responsible for administering the IMLS grant funding we receive to support museums in our State is vacant with its status hinging on the funding received or denied by IMLS.

7. Given my experience, I believe that Executive Order 14,238, and the actions taken to reduce the agency will gut IMLS and cause it to be unable to administer financial awards and/or programs on which the Wisconsin Veterans Museum relies and on which it expects to rely in the future, causing harm to the state of Wisconsin, the Department, and the Wisconsin Veterans Museum. Most notably, the reduction impacts Veterans of the state of Wisconsin who are honored by the funds used in this federal grant.

The Museum and Library Services Act

8. In 1996, Congress enacted the Museum and Library Services Act, 20 U.S.C. § 9101 et seq., which is a federal funding statute that provides funding to help support museums across the United States. IMLS, which administers the Museum and Library Services Act, is authorized to provide federal funding to museums in the form of grants, cooperative agreements, and other

forms of assistance. 20 U.S.C. § 9173(a). IMLS is also authorized to provide federal funding to state governments to administer to museums. *Id.*

9. A “museum” is a public, tribal, or private nonprofit agency or institution organized on a permanent basis for essentially educational, cultural heritage, or aesthetic purposes, that utilizes a professional staff, owns or utilizes tangible objects, cares for tangible objects, and exhibits the tangible objects to the public on a regular basis.” 20 U.S.C. § 9172(1).

10. Section 9173(a) provides that IMLS may enter into agreements to pay the federal share of the cost of:

(1) supporting museums in providing learning and access to collections, information, and educational resources in a variety of formats (including exhibitions, programs, publications, and websites) for individuals of all ages;

(2) supporting museums in providing learning partnerships with the Nation’s schools, including tribal schools, and developing museum resources, capabilities, and programs in support of State and local efforts to offer a well-rounded educational experience to all students; and

(3) supporting the conservation and preservation of museum collections, including efforts to: provide optimal conditions for storage, exhibition, and use; prepare for and respond to disasters and emergency situations; establish endowments for conservation; curate, stabilize, and organize object-related information; and train museum staff in collections care.

11. In the past, the Department has received the following sources of funding from IMLS:

(1) \$66,371.00 from IMLS through a FY 2023 Museums for America grant award. The grant has been used to fund staff positions to digitize and make accessible photos of veterans and their service from our collections from the Civil War up to 1917.

(2) Not only does this help preserve some of the oldest and most fragile images in our collections, but it also makes them accessible to researchers and the public across Wisconsin, the nation, and the globe, from our collections from the Civil War up to 1917.

12. The Department's budget for this year has relied on the grant of \$23,425.06 and has made plans and allocated funding for staffing and equipment based on the anticipated receipt of federal funding promised. The \$23,425.06 is the state fiscal year 2024-25 total based on allocating the \$66,371 federal award amount over the 34 months of the performance period. Funding pays for equipment upgrades and a dedicated staff person to do the project.

13. The Department plans to apply for future IMLS grant funding for the next phase of the digital access and photographic materials preservation project, which includes World War I materials and WWI-era images.

14. Any pause in our federal funding will halt the project, which is currently in month 19 of the 34-month performance period, and prevent us from hiring a dedicated staff person to perform the digitization and preservation work.

15. Because of the current uncertainty regarding the status of IMLS and the grant award, the Department cannot currently recruit for a dedicated staff person without confidence that the Department will receive federal reimbursement of incurred project costs as appropriated in the state budget.

16. Limited Term Employment (LTE) staff positions do not require position authority but the expenditure authority for this grant project is in the Federal projects; museum acquisitions and operations appropriation [Wis. Stat. § 20.485 (5)(mn)] and requires that we have sufficient federal revenues before making commitments.

17. The Department is in compliance with all IMLS grant requirements and deadlines, including the timely submission and acceptance of interim reports and payment requests. The Department is subjected to annual state single audits and other federal audits and

reviews of the Department's administration of federal funding and there are no findings of noncompliance in the past seven (7) years.

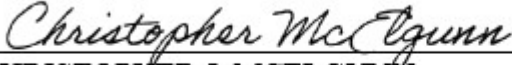
18. In the next 15 months, the Department is scheduled to receive reimbursements of \$50,841.08 under our current federal award. The Department has requested and received reimbursement of \$15,529.92 for the September 1, 2023 through June 30, 2026 period of performance and has submitted a request for reimbursement of \$2,893.64 which is approved but not yet paid.

Reimbursement Request Date	Request Amount	Reimbursement Amount	Date Received
6/17/2024	\$8,727.97	\$8,727.97	6/24/2024
10/21/2024	\$1,466.82	\$1,466.82	10/25/2024
1/16/2025	\$5,335.13	\$5,335.13	1/23/2025
3/18/2025	\$2,893.64		Pending
Total			
Reimbursement	\$18,423.56	\$15,529.92	
Award Remaining		\$50,841.08	

19. If the Department does not receive further reimbursements under the IMLS grant award, we will be left with \$2,893.64 of unsupported costs requiring the Wisconsin Veterans Museum to make cuts in other museum services and programs. Further, the museum cannot continue to perform the digitization and preservation work funded by the IMLS grant award without reimbursement of the costs.

20. The Department's most recent reimbursement request was approved promptly but is taking longer to be reimbursed than the prior payments which took 4-7 days from submission date. The latest payment request was submitted on March 18, 2025, and has been pending for 13 days.

I declare under penalty of perjury under the laws of the United States that, to the best of my knowledge, the foregoing is true and correct. Executed on April 2, 2025, at Madison, Wisconsin.



CHRISTOPHER J. MCELGUNN
DEPUTY SECRETARY
WISCONSIN DEPARTMENT OF VETERANS AFFAIRS